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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,242	12/22/2004	Yasushi Akiyama	2002JP311	2936

26289 7590 03/13/2006

AZ ELECTRONIC MATERIALS USA CORP.
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EXAMINER	
WU, IVES J	

ART UNIT	PAPER NUMBER
1713	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/519,242	AKIYAMA ET AL.	
	Examiner	Art Unit	
	Ives Wu	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/16,12/23/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

(1). Applicant's Amendments and Remarks filed on December 23, 2005 have been received and fully acknowledged. Claim 1 is amended. Claims 7 ~ 11 are newly added.

Accordingly, the rejection of claims 1~6 is sustained and together with new rejection for claims 7~11 presented in the succeeding paragraphs.

Claim Rejections - 35 USC § 102/103

(2). The text of those Sections of Title 35 U.S Code not included in this Office Action can be found in the prior Office Action dated August 26, 2005.

(3). Claims 1 ~ 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mineo et al (JP 08-044066, machine-translated).

(4). The rejection of **Claims 1 ~ 6** can be seen from the same rationale set forth in the prior Office Action dated on August 26, 2005.

(5). As to the new limitation of pH value ranging from 1.0 to about 6.0 in the anti-reflective coating composition in **the independent claim 1**, 1.0 to 4.0 in **dependent claim 7**, 1.6 to 2.6 in **dependent claim 8**, 1.0 to 6.0 in **dependent claim 9**, 1.0 to 4.0 in **dependent claim 10** and 1.6 to 2.6 in **dependent claim 11**, in view of the fact that Mineo et al disclose the fluorinated compound containing acid groups of polymers such as fluorination alkyl polyether carboxylic acid, fluorination alkyl polyether sulfonic acid and other acids used for surface acid-resisting spreading constituents to obtain the desirable refractive index between 1.27 to 1.3, [0008], line 1-2, it is therefore the examiner's position to believe that the anti-reflective coating composition compound of patentee's would inherently possess the pH values as claimed. Since USPTO does not have proper means to conduct the experiments, it is now shift the burden to the applicant to prove otherwise, *In re Fitzgerald, 205 USPQ 594 (CCPA 1980)*

Response to Arguments

(6). Applicant's arguments with respect to **claim 3** have been considered. However, Mineo et al disclose the use of low grade alkyl carboxylic acids such as acetic acid ([0022], line 1-4).

(7). Although applicants provide the test by using closest prior art of Mineo et al to show the disclosure of Mineo failing to anticipate applicant's invention. However, the showing is not commensurate in the scope with the claims for the following reasons: (1). In the test, aqueous heptadeca fluoro octane sulfonic acid in an amount of 25.2 wt% mixed to 25 wt% TMAH aqueous solution, and then, deionized water (8.4739g) and Nafion (0.15g) was added to form 100 % PFOS-TMAH neutralization salt aqueous solution. The quantity of each component is not explicitly disclosed by Mineo et al. How would this amount used by applicant extrapolate to any other amount of the components in the samples of Mineo et al and obtain the same result? (2). Mineo et al do not disclose the pH values in patentee's composition, only one Example by using 100% neutralization salt is not sufficient to represent that the pH of composition of Mineo et al must be in the value of 7.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Ives Wu
Art Unit: 1713
Date: March 6, 2006

DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700